THE HON'BLE Ms. JUSTICE G.ROHINI

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WRIT PETITION NO: 9094 of 2006

Dated: 27-04-2006

Between:

B.Srinivas

..... PETITIONER

AND

Regional Transporting Authority,

Nizamabad and another.

.....RESPONDENTS

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 9094 of 2006

O R D E R:

This writ petition is filed seeking a declaration that the action of the respondents in seizing the vehicle of the petitioner bearing No.AP 01/B-6677

under a check report dated 21-04-2006, is arbitrary and illegal.

I have heard the learned counsel for the petitioner and the learned Government Pleader for Transport appearing for the respondents.

A perusal of the check report, dated 21-04-2006, shows the following irregularities:

1. the vehicle was carrying eleven passengers by collecting individual fares

2. the vehicle was plying as taxy illegally

3. the vehicle was plying without having fitness certificate and permit.

It is for the respondents to conduct necessary enquiry into the above said allegations after affording due opportunity to the petitioner to put forth his version. However, pending such enquiry, I deem it appropriate to direct release of the vehicle subject to certain terms.

Accordingly, while leaving it open to the respondents to proceed with the enquiry, there shall be a direction to release the vehicle bearing No. AP 01/B-6677 on condition of the petitioner depositing a sum of Rs.5,000/-(Rupees five thousand only) and also furnishing an undertaking to produce the vehicle as and when required and that he will not alienate and will not create any third party interest in respect of the said vehicle till the proceedings in pursuance of the check report are finalized.

With the above directions, the writ petition is disposed of. No costs.

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G. ROHINI, J

Dated: 27-04-2006

KLP